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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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WILLIAM A. MUNDELL
CHAIRMAN

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JIM IRVIN
COMMISSIONER

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MARC SPITZER
COMMISSIONER

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AZ CORP COMMISSION
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IN THE MATTER OF THE APPLICATION OF
GATES COMMUNICATIONS, INC. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE COMPETITIVE
RESOLD INTEREXCHANGE
TELECOMMUNICATIONS SERVICES, EXCEPT
LOCAL EXCHANGE SERVICES

DOCKET NO. T-03992A-01-0128

T-03993A-01-0128

PROCEDURAL ORDER

BY THE COMMISSION:

On February 13, 2001, Gates Communications, Inc. ("Applicant" or "Gates") filed with Docket Control of the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide competitive resold interexchange telecommunications services, except local exchange services, within the State of Arizona.

On March 9, 2001, the Commission's Utilities Division Staff ("Staff") filed a Report recommending approval of Gates' application.

Pursuant to Commission rules, Applicant is required to publish notice of its filing in newspapers in all counties where service is to be provided. The record shows that Applicant has not filed a Notice of Filing Affidavits of Publication that would indicate compliance with the publishing requirement.

Pursuant to A.R.S. § 40-282, the Commission may act on an application for a Certificate to provide resold telecommunications services without a hearing, or with a hearing if one is requested by any party.

Pursuant to Commission rules, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that Gates and any intervenors shall file written exceptions to the Staff Report or request that a hearing be set by August 29, 2001. If no party makes a request for a hearing, then the matter shall be ruled upon without a hearing.

1 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-2-105,
2 except that all motions to intervene must be filed on or before **12 noon** on August 17, 2001.

3 IT IS FURTHER ORDERED that Gates shall publish notice, as stated below, in newspapers
4 in every county in Arizona in which Gates desires to provide service by July 27, 2001:

5 **NOTICE OF APPLICATION FOR A CERTIFICATE**
6 **OF CONVENIENCE AND NECESSITY TO PROVIDE COMPETITIVE RESOLD**
7 **INTEREXCHANGE TELECOMMUNICATIONS SERVICES, EXCEPT LOCAL**
8 **EXCHANGE SERVICES, BY GATES COMMUNICATIONS, INC.**

9 Gates Communications, Inc. ("Applicant") has filed with the Arizona Corporation
10 Commission ("Commission") an application for a Certificate of Convenience and
11 Necessity ("Certificate") to provide competitive resold interexchange
12 telecommunications services, except local exchange services, in the State of Arizona.
13 Applicant will be required by the Commission to provide this service under the rates and
14 charges and terms and conditions established by the Commission.

15 A.R.S. § 40-282 provides that the Commission may act on an application for a
16 Certificate to provide resold telecommunications services without a hearing, or with a
17 hearing, if one is requested by any party. Applicant or any other party must request a
18 hearing by August 29, 2001, or the Commission will rule on the application without a
19 hearing.

20 The application, report of the Commission's Utilities Division Staff, and any
21 written exceptions to the staff report prepared by the applicant are available for
22 inspection during regular business hours at the offices of the Commission located at 1200
23 West Washington Street, Phoenix, Arizona 85007, and at Applicant, [address].

24 Under appropriate circumstances, interested parties may intervene in the
25 proceedings and participate as a party. Intervention shall be in accordance with A.A.C.
26 R14-3-105, except that all motions to intervene must be filed on or before August 17,
27 2001. You may have the right to intervene in the proceeding, or you may make a
28 statement for the record. If you have any comments, mail them to:

The Arizona Corporation Commission
Attention Docket Control
re: Gates Communications, Inc.
T-03992A-01-0128
1200 West Washington Street
Phoenix, Arizona 85007

All comments should be received by August 29, 2001.

If you have any questions about this application or have any objections to its
approval, you may contact the Consumer Services Section of the Commission at 1200
West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to
its public meetings. Persons with a disability may request a reasonable accommodations
such as sign language interpreter, as well as request this document in an alternative
format, by contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-
0838, E-Mail shood@cc.state.az.us. Requests should be made as early as possible to

allow time to arrange the accommodation.


IT IS FURTHER ORDERED that Gates shall file Affidavits of Publication indicating that it has published notice pursuant to Commission rules by **August 3, 2001**.

IT IS FURTHER ORDERED that the failure of Gates to comply with any or all of the Ordering paragraphs set forth in this Procedural Order within the timeframes specified may result in the denial of Gates' application.

IT IS FURTHER ORDERED that the time periods specified herein shall not be extended pursuant to Rule 6(a) or (e) of the Arizona Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend or waive any portion of this Procedural Order by subsequent Procedural Order or by ruling at hearing.

DATED this 9th day of June, 2001.


STEPHEN GIBELLI
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed
this 9th day of June, 2001 to:

Lance Steinhart
6455 East Johns Crossing, Suite 285
Duluth, Georgia 30097
Attorney for Gates Communications, Inc.

Mirel Jakovljevic, President
Gates Communications, Inc.
1100 Olive Way #951
Seattle, Washington 98101

Christopher Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

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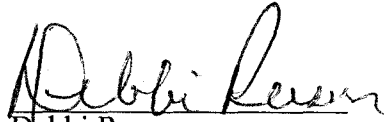
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1 Deborah Scott, Director
2 Utilities Division
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
5 Phoenix, Arizona 85007
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By:


Debbi Person
Secretary to Stephen Gibelli